

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
GARIN STRATEGIC RESEARCH)	
GROUP LLC, d/b/a PETER D. HART)	
RESEARCH ASSOCIATES, INC.,)	
Complainant,)	
)	
v.)	File No. EB-02-TC-F-003
)	
MCI WORLDCOM)	
COMMUNICATIONS, INC.,)	
Defendant.)	

ORDER

Adopted: December 23, 2002

Released: December 24, 2002

By the Deputy Division Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. On August 15, 2002, Garin Strategic Research Group LLC, d/b/a Peter D. Hart Research Associates, Inc. (Garin or Complainant) filed a formal complaint against MCI WorldCom Communications (MCIW or Defendant), pursuant to section 208 of the Communications Act of 1934, as amended (the Act).¹ In the complaint, Garin states that MCIW filed a lawsuit in the United States District Court for the District of Columbia for the collection of disputed charges, that Garin filed a counterclaim, and that MCIW moved to dismiss the counterclaim based on the filed rate doctrine. According to the complaint, the District Court ruled that it did not have jurisdiction and that the Federal Communications Commission should resolve the issues concerning the filed rate doctrine and the lawfulness of MCIW’s tariff.² Garin further alleges in the formal complaint that MCIW violated sections 201(b) of the Act³ and sections 61.25, 61.74, and 61.2 of the Commission’s rules⁴ by cross-referencing the tariffs of local exchange carriers and by being impermissibly vague in its tariff.⁵ Subsequent to that filing by Complainants, the parties to this proceeding reached a settlement of their dispute. On December 17, 2002, Complainant filed a Withdrawal of Formal Complaint, requesting that the Commission allow Garin to simply withdraw its complaint. In the alternative, Garin requests that we dismiss the complaint with prejudice.

¹ 47 U.S.C. § 208.

² See Formal Complaint of Garin Strategic Research Group LLC, d/b/a Peter D. Hart Research Associates, Inc. (“Complaint”) at 3.

³ 47 U.S.C. § 201(b).

⁴ 47 C.F.R. §§ 61.25, 61.74, 61.2.

⁵ See Complaint at 7.

2. We are satisfied that dismissing this complaint will serve the public interest by promoting the private resolution of disputes and by reducing the expenditure of further time and resources by the parties and by this Commission. Furthermore, in view of the complainant's alternative request that we dismiss the complaint with prejudice, we believe that such dismissal is in the public interest.

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201(b), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201(b), 208, and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the formal complaint of Garin Strategic Research Group LLC, d/b/a Peter D. Hart Research Associates, Inc., filed on August 15, 2002, is DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Kurt A. Schroeder
Deputy Chief
Telecommunications Consumers Division
Enforcement Bureau